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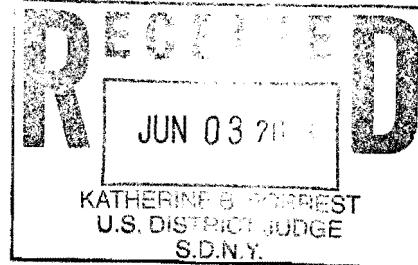
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DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED JUN 04 2013

June 3, 2013

VIA HAND DELIVERY

Honorable Katherine B. Forrest
United States District Court
Southern District of New York
500 Pearl Street, Room 745
New York, N.Y. 10007



Re: THOMAS NIMELY v. RXR 620 OWNER II LLC et al
Docket No. 13cv02069

Dear Judge Forrest:

We represent the Defendant Bed Bath & Beyond Inc. in the above-referenced action. We write this letter to request an adjournment of the Conference scheduled for June 6, 2013 to another date and time at the court's convenience. We also request an extension of time to answer, plead, or otherwise move with respect to Plaintiffs Complaint from June 5, 2013 (deadline previously extended by the So Ordered Stipulation dated 5/22/13) to June 25, 2013. The reason for the requests is twofold. First, Defendant provided a comprehensive settlement proposal to resolve the case last week to Plaintiff's counsel and the parties wish to fully exhaust their efforts to settle the case without having to litigate. Second, with respect to the conference, I am scheduled to argue a motion to dismiss in Supreme Court, Queens County at the same time as the conference.

This request is being made on consent of the parties.

Thank you Your Honor for your consideration in this matter.

Respectfully submitted,

Andrew W. Singer

*Ordered
Based on the
representations
 herein, final
extension granted
to move/answer to
6/25/13. Conference
adjourned to
6/26/13 at 1 p.m.
6/4/13 ← B. Forrest
wsd*

cc: Glen Parker, Plaintiff's counsel (via email)